

REMARKS

Claim 13 has been amended to more definitely define the invention and obviate the rejections. Support for the amendment of claim 13 can be found in the Specification on page 3, lines 19-22, as well as Figure 16. In addition, new claim 16 has been presented. Support for the subject matter of new claim 16 may be found in the Specification on page 25, lines 18-27, and Figure 16. The present amendment is deemed not to introduce new matter. Claims 1, 6, 7, and 12-14 and 16 are now in the application.

Reconsideration is respectfully requested of the rejection of Claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Leviton (4,384,580) in view of Middaugh, et al. (5,185,007).

The Leviton reference discloses a suction canister system for serial collection of fluids, using a series of canisters placed under vacuum pressure. The Examiner is correct in stating that the apparatus disclosed by Leviton contains a float. However, it is maintained that Leviton provides no teaching or disclosure of said float being "a float to indicate the level of liquid", as pointed to by the Examiner as being disclosed in column 4, lines 18-21. Rather, the float described therein is a "float valve which seals off port 16 by floating against a valve seat associated therewith". There is no specific disclosure of said float valve acting as a level gauge as herein, or of the bottle being transparent to allow the float to act as a level gauge. It is believed that the mere fact that Figure 3 provides a transparent view of the Leviton device does not constitute a disclosure of the float acting as a level gauge, as claimed herein, as the transparency of an actual canister bottle is never mentioned nor suggested in the Specification itself (and is believed to be provided merely to illustrate the internal workings of the device).

In contrast, the present invention as claimed in amended claim 13 herein provides for a float valve acting as a *level gauge*, AND is *capable of moving from a bottom to a top of the canister bottle*, which can be viewed by a user of the present device to determine the exact quantity of liquid waste contained in the *transparent* canister bottle. The Leviton reference fails to disclose the float being disposed in a canister bottle for indicating a level of the liquid waste, the float retaining solidifying agent for solidifying the liquid waste contained in the canister bottle or the float being capable of moving from the bottom to the top of the canister (which is necessary for operation of the float as a level gauge for determining the true level of liquid in the canister bottle). Rather, these teachings come only from the present invention, and constitute important elements or aspects thereof.

Further, as the Examiner has correctly noted on page 3 of the Office Action, the Leviton reference fails to disclose the transparent nature of the inner bag. To more clearly define the transparency aspect of the embodiment claimed in claim 13, said claim was amended in the previously filed Amendment to state that, in such an embodiment, the canister bottle (comprising both the outer bottle and inner bag) are transparent, and the float acts as a level gauge, allowing a user to determine the exact level of liquid waste in the canister bottle. It is believed that such teaching is neither taught nor suggested in the Leviton reference.

To cure these deficiencies of the primary Leviton, et al. reference, the Examiner has cited the Middaugh, et al. reference. The cited Middaugh, et al. reference discloses a suction drainage infection control system. In particular, a liquid waste disposal apparatus is disclosed which, as the Examiner has stated, is comprised of a canister bottle having a nonmechanical valve disposed at the top thereof. The “solidifying agent” referred to by the Examiner is the “polyethylene foam 37

containing swellable moisture-sensitive particles 38 made of polymers or other suitable materials” retained in the nonmechanical valve which sits AT THE TOP of the canister bottle (column 3, lines 64-68). When the swellable moisture-sensitive particles absorb a predetermined amount of water, they swell to block air and waste flow (column 4, lines 2-5).

However, it is believed that there is no disclosure in Middaugh, et al. of a multiple continuous type liquid waste disposal apparatus having a stand for holding the plural connected canister bottles in a straight line and wherein said stand has a canister head capable of pivotal movement for connecting an absorption path disposed thereof to the exhaust ports of the canister bottles, as claimed in claim 14 herein. Further, in contrast to the present invention as now claimed in amended claim 13 herein, it is believed that there is no disclosure in either Middaugh, et al. or Leviton of a float being disposed in a canister, which is *capable of moving from the bottom to the top of the canister bottle*, acting as a level gauge, AND has a water-absorptive retaining container therein, wherein water-absorptive material is contained within said water-absorptive retaining container, such that when said water-absorptive material absorbs a maximum quantity of liquid, the water-absorptive retaining container is ruptured, allowing the solidifying agent to be released from the float into the liquid waste (as claimed in newly presented claim 16 herein).

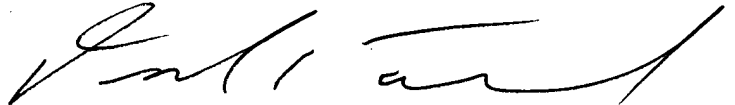
Rather, it is believed that these teachings come only from the present invention, which constitute important elements or aspects thereof, and which provide unexpectedly improved characteristics over the prior art devices. As such, it is believed that the cited references, either alone or in combination, fail to render unpatentably obvious claims 13-14 as now amended herein. Withdrawal of the rejection is accordingly respectfully requested.

Allowance of claims 1, 6, 7 and 12 is hereby acknowledged.

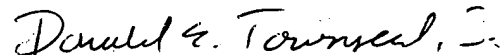
In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in dark ink, appearing to read 'Donald E. Townsend', written in a cursive style.

Donald E. Townsend
Reg. No. 22,069

A handwritten signature in dark ink, appearing to read 'Donald E. Townsend, Jr.', written in a cursive style.

Donald E. Townsend, Jr.
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Date: March 30, 2004

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